

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Cluster Area I: General Supervision

Question: Is effective general supervision of the implementation of the Individuals with Disabilities Education Act ensured through the State education agency's (SEA) utilization of mechanisms that result in all eligible children with disabilities having an opportunity to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE)?

Probes:

- GS.I Do the general supervision instruments and procedures (including monitoring, complaint and hearing resolution, etc.), used by the SEA, identify and correct IDEA noncompliance in a timely manner?
- GS.II Are systemic issues identified and remediated through the analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations, and hearing resolutions?
- GS.III Are complaint investigations, mediations, and due process hearings and reviews completed in a timely manner?
- GS.IV Are there sufficient numbers of administrators, teachers, related services providers, paraprofessionals, and other providers to meet the identified educational needs of all children with disabilities in the State?
- GS.V Do State procedures and practices ensure collection and reporting of accurate and timely data?

State Goal (for reporting period July 1, 2002 through June 30, 2003):

All eligible children with disabilities have an opportunity to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) through the State education agency's (SEA) utilization of mechanisms that result in effective general supervision of the implementation of the Individuals with Disabilities Education (IDEA).

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

GS 1 - The general supervision instruments and procedures (including monitoring, complaint and hearing resolution, etc.) used by the SEA, identify and correct IDEA noncompliance in a timely manner.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. Use Attachment 1 when completing this cell.):

Compliance Monitoring Data:

Continuous Improvement Monitoring Process (CIMP) is built around a number of critical themes:

- **Continuity:** An effective accountability system must be continuous, rather than episodic, clearly linked to systemic change, and must integrate self-assessment with continuous feedback and response.
- **Partnership with stakeholders:** Special Education Programs (SEP) works in partnership with parents, students, school districts, agencies and stakeholders. This collaboration impacts all of the following: the setting of goals and benchmarks, collection and analysis of self-assessment data, district/agency identification of critical issues and solutions to problems, and the development, implementation, and oversight of improvement strategies to ensure compliance and improved results for children and youth with disabilities.
- **District and agency accountability:** Districts/agencies are accountable for identifying promising practices, areas that are meeting requirements, areas that need improvement, and areas possibly out of compliance as well as identifying and implementing strategies for improvement, and measuring and reporting progress.
- **Self-assessment:** Each district/agency works with stakeholders to design and implement an ongoing self-assessment process that is focused on improving results for children and youth with disabilities, and facilitates feedback and use of information to support continuous improvement. The SEP will periodically contact districts and agencies in the state to verify its self-assessment information.
- **Data-driven process:** The continuous improvement monitoring process in each district/agency is a process driven by data that focuses on improved results for children and youth with disabilities. The SEP provides data and district/agency data drive the self-assessment process.
- **Public process:** The SEPs report reviewing the district/agency's performance in the implementation of IDEA Part B is made available to the public. The SEP addresses the minimum dissemination requirements by posting the district/agency monitoring reports on the state website. The school district/agency steering committee is encouraged to develop and implement public awareness strategies to share self-assessment and monitoring results.
- **Technical assistance:** Because the focus of the monitoring process is on continuous improvement, technical assistance is a critical component to keep the process moving. Therefore, the SEP makes the provision of technical assistance a priority component of its work in each district/agency. Districts/agencies are encouraged to include a technical assistance plan as part of their improvement plan and to utilize all available resources to facilitate the continuous improvement process.

The SEP customizes CIMP to meet the needs of each district/agency. In districts/agencies where there is evidence of substantial compliance with IDEA requirements, the SEP focuses on maintaining the strengths of the district/agency. In districts/agencies that are not demonstrating compliance, the SEP works with the district/agency to develop an improvement plan for their special education program. Districts/agencies that fail to correct identified noncompliance may be subject to enforcement actions.

The self-assessment provides the framework in CIMP for addressing how well the district/agency meets the needs of students with disabilities and establishes a baseline for measurement of progress. The self-assessment reflects how well the district/agency meets state requirements and provides a free appropriate public education (FAPE) to children and youth with disabilities.

In addition to measuring progress and beginning to define the next steps, the self-assessment can promote collaborative efforts among stakeholders and provide an opportunity for ongoing comprehensive planning and data-based decision making. South Dakota's documents regarding CIMP are online at <http://www.state.sd.us/deca/Special/news/monitor/>.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

South Dakota's CIMP provides the specific timelines for resolution of noncompliance. Upon receipt of the compliance monitoring report, the district is required to report to the public no later than 1-2 months after the report is issued. The district is required to submit an improvement plan within 2 months after the report is issued. Upon receipt of the improvement plan, the department panels the plan with contractual specialists and special education staff to approve the plan. Upon approval of the improvement plan, submission dates for progress reporting are established. Progress reports are sent to the Special Education Programs at a minimum of six and twelve months after the plan approval date, unless the district meets all goals with the first six month progress report.

Based upon documentation received from the district/agency and its steering committee, as well as other sources, the SEP verifies the effectiveness of the actions taken in accomplishing systemic change for the district/agency. If a district/agency does not implement the mandatory components of the improvement plan, or implementation is not effective, the SEP may impose sanctions. Sanctions could include the corrective actions for compliance, a compliance agreement, holding of funds in whole or in part, or other enforcement actions.

South Dakota districts and/or agencies are monitored on a 5-year cycle. The monitoring process becomes "continuous" by starting the cycle again with an updated self-assessment and progress reporting from the district/agency improvement plan. Each cycle monitors six principles which are:

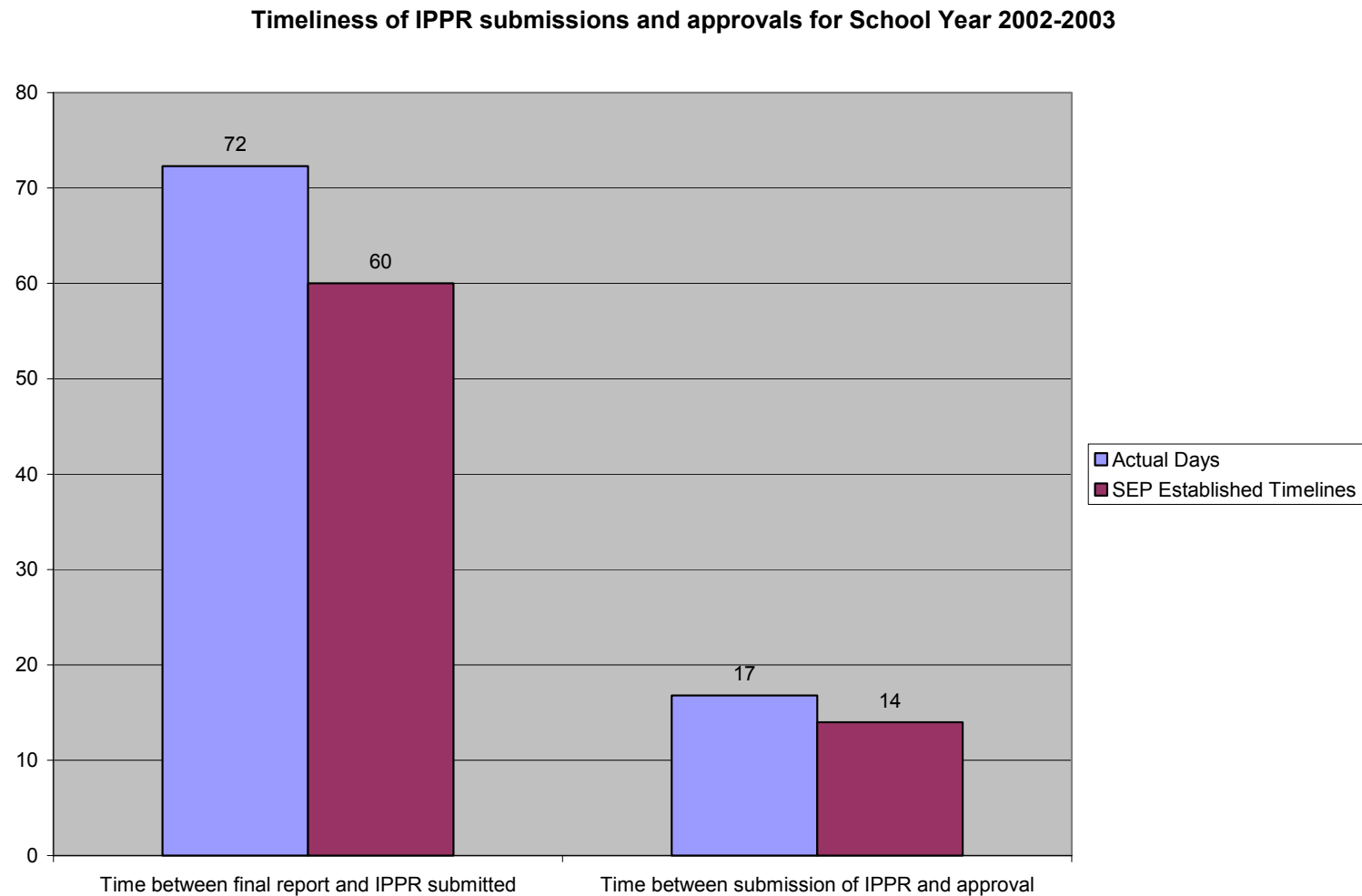
- Principle One – General Supervision
-
-
-
-
-

Chart Explanation:

The chart provided below measures the timeframes for providing a final report in the CIMP process and receipt of a improvement plan addressing those items found in the final report. The first two columns of the table compare the timelines the SEA has established for receipt of the improvement plan (60 calendar days) to the actual number of days it takes on average for the SEA to receive the proposed improvement plan(72 days). The second two columns compare the timelines established by the SEA for approval of the improvement plan (14 days) to the actual number of days it takes on average for the SEA to approve the improvement plan (17 days).

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*



Refer to Attachment 1 for the data regarding the status of complaints and hearings resolutions for GS1. Additional information on the complaint process may be found at the state website: <http://www.state.sd.us/deca/Special/complaint/index.htm>

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Complaint Resolution Data:

Chart Explanation:

The chart provided below lists the date the SEA receives the complaint. The next column reflects the day the complaint report is issued/mailed out to the districts and complainant. The third column, marked closure date, reflects the date the district demonstrated compliance with the areas found to be out of compliance. The final column notes the exact number of days required from the time the report was issued (column two) to the time the district achieved compliance (column three).

Complaint Receipt Date	Date Report Issued	Closure Data	Month/Days from Report Issuance to Closure
1 – 9/30/02	10/23/02	10/23/02 (No findings)	N/A
2 – 9/23/02	11/15/02	11/22/02 (one finding)	7 days
3 – 10/15/02	12/6/02	6/6/03 (two findings)	6 months
4 – 10/25/02	12/17/02	6/9/03 (three findings)	5 months, 23 days
5 – 2/20/03	4/14/03	11/14/03 (five findings)	7 months
6 – 5/28/03	6/27/03	9/15/03	2 months, 19 days

In 2002-2003, South Dakota investigated a total of six complaints. Of those six, one complaint had no findings. The five remaining complaints were resolved noted in the above chart. The five complaints which resulted in findings, took an average of 129.8 days to close out each complaint received (giving a value of 30 days to each month).

Mediation Data:

South Dakota conducted one formal mediation based on a due process hearing request that was received on 9/23/02. The mediation conference was conducted on 10/11/02, with a successful outcome. The hearing request was dismissed. The mediation conference was held 18 days after the request was received, exceeding the 15 day timeline by three days.

Due Process Hearing Data:

South Dakota conducted one hearing during the 2002-2003 reporting period. This hearing request was received on 7/23/03 and the hearing was held on 8/28/03, with the decision issued on 8/29/03. Mediation was waived for this hearing. This hearing was conducted within the required 45 day timeframe.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

100% of all mediations will be conducted within the fifteen day timeline.

95% of all districts monitored will meet established timelines for developing improvement plans.

95% of all districts monitored will meet established timelines for six and twelve month reports – this target is established over the next year as progress report data becomes available.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

South Dakota data reflects the general supervision procedures for complaints and due process hearings identify and correct noncompliance in a timely manner. Staff has been trained in the proper procedures for investigation of complaints and gives priority to meeting the deadlines. The small number of complaints received allows the state agency to keep abreast of all ongoing complaints to ensure timelines are not exceeded and districts are responding promptly. The limited number of mediations and hearings also indicate the state is able to use the systems effectively to ensure the provision of appropriate services to students in need of special education. The one mediation which exceeds the required timeline produced a positive outcome, which is ultimately the intent of conflict resolution. It does not appear that exceeding the timeline by three days prevented the state from having an effective system.

South Dakota's monitoring system, CIMP, is in the middle of the first cycle of a five year monitoring cycle. Schools are trained each year in the procedures employed; however, the process is not yet institutionalized within districts. This learning curve is somewhat reflected in the variations in data seen for approval of progress reports. Additionally, data is yet to be gathered on the 2002-2003 progress reports for six and twelve months. This data collection will be in place for 2003-2004 and analysis of the data will be possible in that reporting period.

Additionally, the targets established for districts to meet timelines for development of improvement plans and progress reports reflects the reality of school districts and their need to have flexibility in responding to the state agency. From time to time, a district may require a brief extension of the timelines established due to situations which are unrelated to the district's willingness to demonstrate noncompliance. For example, an extension may be granted due to a serious illness of a key staff member or due to holidays or vacation breaks that prevent the district from having staff on contract.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To resolve 100% of all complaints investigated within six months of the final report being issued.

To conduct 100 % of all mediations within the required 15 days after receipt of the hearing request.

To complete 100% of all hearing decisions within the 45 day timeline or appropriate extensions were obtained to the timeline.

To ensure 95% of all districts monitored develop improvement plans within the established timelines.

To review 100% of improvement plans within one month of receipt by a panel of SEA staff and contractual specialists

To ensure 95% of all districts monitored meet established timelines for six and twelve month reports – this target is established over the next year as progress report data becomes available.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

South Dakota will review all procedures for complaint investigations with SEA staff conducting complaint investigations. A protocol for the Office of Hearing Examiners will be established to ensure that timelines and procedures are followed for due process hearings. The CIMP coordinator for the SEA will track data on timeliness of progress report submissions, approval rates and six/twelve month reporting.

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

This section of Cluster Area 1 is in compliance and performance is acceptable. The state will maintain this level of performance through June 30, 2004.

Resources:

-
-
-
-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

GS 2 - Systematic issues are identified and remediated through the analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations, and hearing resolutions.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):

Compliance Monitoring Data:

South Dakota tracks data via the results of the CIMP review process. The CIMP process monitors districts performance on six principles. Those principles are:

-
-
-
-
-
-

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

In reviewing each of the principles, areas of concern can be identified by looking at percentages of districts reported as noncompliant in various areas. It is important to note that each year, the SEA monitors an average of about 35 school districts. To identify an issue as systemic, South Dakota has determined that at least 80% of the districts need to be identified as noncompliant. The 80% figure in district terms represents approximately 28 out of 35 districts monitored for 2002-2003. Therefore, if an issue is cited in a minimum of seven districts or more, the SEA considers this to be a systemic issue statewide.

Chart Explanation:

The CIMP Monitoring Data Chart provides a breakdown of each of the six principles of the CIMP system. The first column of the chart lists each principle and the administrative rules that are monitored under that principle. The next column identifies the percentage of districts that were found to be noncompliant with the specific administrative rule. The third column identifies the percentage of districts found to be in compliance with each particular administrative rule. The final column provides the raw numbers of districts reviewed in 2002-2003 which were cited out of 38 total district/agencies reviewed. This data is provided to go further in depth with the noncompliance status across each of the six principles to learn which areas result in noncompliance findings, further targeting SEA efforts for training, and technical assistance. This chart shades the cells in orange which are the areas under each principle that report compliance at a rate of 80% or lower.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

CIMP Monitoring Data for 2002-2003 school year

Principle One- General Supervision	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Child Find	8%	92%	3
Certified Child	18%	82%	7
Transition to preschool	0%	100%	0
Referral Procedures	11%	89%	4
TAT process made referral process too long	0%	100%	0
Override process	3%	97%	1
Children Voluntarily Enrolled by Parents in Private Schools	0%	100%	0
Students Placed by the School District	0%	100%	0
Improving Results through Performance Goals & Indicators	3%	97%	1
State & district wide assessment STAARS participation	0%	100%	0
Progress reporting on standards	0%	100%	0
Not tracking non-standards for progress	0%	100%	0
Suspension & Expulsion Rates	3%	97%	1
Personnel & Professional development	0%	100%	0
Professional staff -- certified personnel to provide	5%	95%	2
Paraprofessionals-training	5%	95%	2
Requirements for child evaluators	5%	95%	2
Child Count	0%	100%	0
Certified Child	0%	100%	0
Total - Principle One	3.2%	96.78%	18

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Principle Two Free- Appropriate Public Education			
FAPE	0%	100%	0
Non-implementation of IEPs	3%	97%	1
Related services	3%	97%	1
Suspension/Expulsion	3%	97%	1
Total Principle Two	2.25%	97.75%	2

	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Principle Three- Appropriate Evaluation			
Comprehensive Evaluation	0%	100%	0
Functional Assessment	29%	71%	11
Assessing in all areas of suspected disability	16%	84%	6
No transition assessments	11%	89%	4
Written Notice & Consent for Evaluation	0%	100%	0
Consent is received for all assessments given	26%	74%	10
All assessments were administered that parents consented to	3%	97%	1
Copy of evaluation report given to parent	3%	97%	1
Evaluation Procedures & Instruments	34%	66%	13
Parent input	16%	84%	6
Eligibility Determination	21%	79%	8
Assessment documentation does not support eligibility	0%	100%	0
Prohibition concerning ID of SLD	5%	95%	2
Reevaluation & Continuing Eligibility	11%	89%	4
Determination of needed evaluation data	18%	82%	7
Observation for student suspected as having a SLD	0%	100%	0
SLD written report	3%	97%	1
Total Principle Three	74%	26%	28

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Principle Four- Procedural Safeguards	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Adult Student/Transfer of Rights	21%	79%	8
Graduation requirements	5%	95%	2
Content of Rights	3%	97%	1
Annual notification --FERPA	3%	97%	1
Consent	26%	74%	10
Written Notice	0%	100%	0
Confidentiality & Access to Records	0%	100%	0
Independent Educational Evaluation	0%	100%	0
Complaint Procedures	0%	100%	0
Due Process Hearings	0%	100%	0
Total Principle Four	5.8%	94.2%	17
Principle Five- Individualized Education Program	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
IEP Team	11%	89%	4
No regular educator	0%	100%	0
No administrative designee	5%	95%	2
IEP Content	66%	34%	25
IEP process PLOP	18%	82%	7
Curriculum modifications	11%	89%	4
Other IEP Requirements	0%	100%	0
Behavior impedes learning	3%	97%	1
ESY	8%	92%	3
Transition	55%	45%	21
Progress reporting	5%	95%	2
Total Principle Five	16.55%	83.45%	30

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Principle Six- Least Restrictive Environment	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Continuum of services not available to students with disabilities	8%	92%	3
Continuum options not appropriately addressed at the IEP meeting	11%	89%	4
Determination of required services	3%	97%	1
Access to IEP	3%	97%	1
Review & revisions of IEP	11%	89%	4
Transfer of parental rights	0%	100%	0
Total Principle Six	6%	94%	9

Complaint and Due Process Data:

Of the areas noted in the chart above for 2002-2003, none were the subject of a complaint or due process hearing requests.

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

To increase the number of districts reporting as being compliant in the area of appropriate evaluation (functional evaluation, consent for evaluations, evaluation procedures and eligibility determination) to 100%.

To increase the number of districts reporting as being compliant in the area of procedural safeguards (consent, transfer of rights) to 100%.

To increase the number of districts reporting as being compliant in the area of IEPs (content and secondary transition) to 100%.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

Issues were identified as systemic if less than 80% of the total of all districts reviewed from the past year were not able to demonstrate compliance. In addition, the areas cited by OSEP in their last review of the state have been identified as ongoing issues for South Dakota to address. These issues include personnel shortages, extended school year services and secondary transition. Extended school year demonstrates a rate of 92% compliance for this reporting period. This is an area the state will continue to monitor to ensure compliance is continued. The area of secondary transition continues to be a compliance concern for the state. Secondary transition was an issued raised during the previous OSEP monitoring in 1999. The state continues to support a statewide transition program, the Transition Services Liaison Project (TSLP). More information on this project is located under cluster area V.

One issue seen under procedural safeguards is linked to the problems found under transition, with districts failing to consistently inform parents and students of the transfer of parental rights at age 18. The issues found under evaluation demonstrate the districts' learning curve from the IDEA 97 requirements to perform functional assessment. Additionally, reviewers note various procedural concerns with the inclusion of functional assessment as a part of the prior notice to parents, and the functional assessments are often not included with the written results to be shared with parents. Eligibility determinations rise to the surface as a compliance problem due to the fact that many districts are not following correct procedures for reevaluation of students. Districts are unclear on the procedures for ensuring that parents are notified of the evaluation team decision to use previous evaluation information in the eligibility decision making process. Training and technical assistance has occurred in this area; however, the problem is still being identified and remediated as the state works through the entire cycle of districts to be monitored. Finally, content of IEP is another area the state emphasizes in its monitoring reviews. Linkages to the general curriculum are still problematic for many districts.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To increase the number of districts reporting as compliant in the area of appropriate evaluation (functional evaluation, consent for evaluations, evaluation procedures and eligibility determination) to 100%.

To increase the number of districts reporting as compliant in the area of procedural safeguards (consent, transfer of rights) to 100%.

To increase the number of districts reporting as compliant in the area of IEPs (content and secondary transition) to 100%.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

The state will provide a series of trainings and materials emphasizing the links between the student IEP and the general curriculum. The TSLP project will host another Summer Institute specifically for those districts identified with issues in the area of secondary transition. Regional events will also be enhanced through presentations by Ed O'Leary, of MPRRC. Training on the topic of procedures for evaluation will be highlighted during onsite reviews, providing firsthand training on proper evaluation procedures. The state agency will work to ensure monitoring teams have access to school psychologists while conducting reviews.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

The state is not in compliance with this section of Cluster Area one. The projected date to achieve compliance is June 30, 2004.

Resources:

-
-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

GS 3 -Complaint investigations, mediations and due process hearings and reviews are completed in a timely manner.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):

Complaint Investigations/Mediations/ Due Process hearing data:

Refer to Attachment 1 for the data regarding the status of complaints, mediations and hearings resolutions for GS3. Additional information on the complaint process may be found at the state website: <http://www.state.sd.us/deca/Special/complaint/index.htm>

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

100% of all complaints will be resolved within the 60 day timeline requirements.

100% of all hearing decisions will be rendered with the 45 day timeline or appropriate extensions were obtained to the timeline.

100% of all mediations will be conducted within fifteen calendar days of receipt of a due process hearing request.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

As seen in attachment 1, South Dakota consistently meets the requirements for resolution of complaints and rendering of hearing decisions. The only area that can be identified as a potential concern was the one mediation which exceeded the fifteen day timeline by three days. This mediation did result in a positive outcome with the hearing being dismissed.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To resolve 100% of all complaints within the 60 day timeline requirements.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

To complete 100% of all hearing decisions within the 45 day timeline or appropriate extensions were obtained to the timeline.

To conduct 100% of all mediations within fifteen calendar days of receipt of a due process hearing request.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

Staff will participate in MPRRC teleconference opportunities regarding complaint investigations to ensure procedures are as effective and efficient as possible. New staff joining the SEA, will be trained in complaint investigation procedures. An experienced staff member will be paired with each new investigator for conducting complaint investigations to mentor the new staff.

Staff will continually provide training and technical assistance to the hearing officers located within the Office of Hearing Examiners to ensure they are aware of the procedural requirements for hearing and issuing decisions under IDEA.

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

This section of Cluster Area 1 is in compliance and performance is acceptable. The state will maintain this level of performance through June 30, 2004.

Resources

-
-
-
-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

GS 4 - There are sufficient numbers of administrators, teachers, related service providers, paraprofessionals, and other providers to meet the identified educational needs of all children with disabilities in the State.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Compliance Monitoring Data:

Administrative Rules	Number of district out of compliance/ Number of districts reviewed			Percentile of districts/agencies out of compliance		
	School Year 2000-2001	School Year 2001-2002	School Year 2002-2003	School Year 2000-2001	School Year 2001-2002	School Year 2002-2003
ARSD 24:05:23 Requirements for child evaluators	2/49	0/41	2/38	2%	0%	5%

Chart Explanation :

The compliance monitoring chart listed above reflects the administrative rule which districts are monitored against through the CIMP process. The first set of three columns provides the raw numbers of districts out of compliance with the regulation compared to the total number of districts reviewed in that school year. The next set of three columns reflects the percentage of each of those years, to provide a consistent comparison of the level of noncompliance being seen in monitoring visits.

Personnel Data:

The following two charts, titled South Dakota Special Education Personnel Summary (school years 2001-2002 and 2002-2003) provide a summary of the data collection conducted each year by the SEA to report on the numbers of special education personnel serving in the state. The data is collected in full time employees (FTE) and reflects percentages where appropriate to note less than one (1) full time employee. The first column reflects the title of the service provider measured in the collection. The authority to act column collects the number of personnel working on a temporary certification, with a requirement to be fully certified within three years. The contracted column is the reported number of FTE working in the state on a contracted bases. The fully certified column reflects the number of personnel employed and fully certified in the state of South Dakota. The non-certified and non-authorized column reflects those FTE reported as special education personnel in South Dakota who are not appropriately certified for their position. The next column reflects FTE who are not required to possess specific certifications in South Dakota to hold their position in special education. The final column represents a total for each type of service provider, in FTE, and also totals for all service providers in the state of South Dakota. NOTE: In 2001, the State of South Dakota moved to an online data collection system for all district personnel. This system provides for a more in-depth collection and disaggregation of the possible certification scenarios used by the local school districts in the state.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

South Dakota Special Education Personnel Summary
School Year 2001-2002

Service Provider	Authority to Act	Contracted	Fully Certified	Non-Certified & Non-Authorized	Other School Personnel	Total
<i>Adapted Physical Education Teachers</i>	0.20	0.84	2.10	1.20	0.00	4.34
<i>Audiologists</i>	0.00	0.42	0.00	0.00	1.90	2.32
<i>Diagnostic and Evaluation Specialists</i>	0.00	0.38	9.33	0.00	0.00	9.71
<i>Early Childhood Special Education Teachers (ages 3-5)</i>	3.50	1.55	87.35	4.95	0.00	97.35
<i>Interpreters</i>	0.00	1.05	0.00	0.00	30.45	31.50
<i>Non-Professional Staff</i>	0.00	46.35	0.00	0.00	119.77	166.12
<i>Occupational Therapists</i>	0.00	16.09	0.00	0.00	33.70	49.79
<i>Other Professional Staff</i>	0.00	44.29	0.00	0.00	76.67	120.96
<i>Physical Therapist</i>	0.00	16.47	0.00	0.00	20.30	36.77
<i>Psychologists</i>	1.00	7.39	45.43	0.00	9.40	63.22
<i>Recreation and Therapeutic Recreation Specialists</i>	0.00	0.00	0.00	0.00	0.00	0.00
<i>Rehabilitation Counselors</i>	0.00	0.00	0.00	0.00	0.00	0.00
<i>Special Education Aides</i>	0.00	13.50	0.00	0.00	1,137.86	1,151.36
<i>Special Education Counselors</i>	0.00	1.36	4.03	0.16	0.00	5.55
<i>Special Education Social Work</i>	0.00	1.20	0.00	0.00	3.55	4.75
<i>Special Education Teacher (ages 6-21)</i>	14.50	23.70	771.37	20.97	0.00	830.54
<i>Special Education Vocational Teachers</i>	0.00	0.00	0.00	0.00	0.00	0.00
<i>Special Education Work Study Coordinators (Job Coaches)</i>	0.00	0.35	0.00	0.00	0.93	1.28
<i>Speech/Language Pathologist (ages 3-5)</i>	0.00	3.31	27.07	0.00	0.00	30.38

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Speech/Language Pathologist (ages 6-21)	0.00	15.73	191.21	1.34	0.00	208.28
Supervisors or Administrators	0.00	0.75	52.89	6.10	0.00	59.74
Total	19.20	194.73	1,190.78	34.72	1,434.53	2,873.96

South Dakota Special Education Personnel Summary
School Year 2002-2003

	Authority to Act	Contracted	Fully Certified	Non-Certified & Non-Authorized	Other School Personnel	Total
Adapted Physical Education Teachers	3.11	1.00	3.69	2.30	0.00	10.10
Audiologists	0.00	0.46	0.00	0.00	4.00	4.46
Diagnostic and Evaluation Specialists	0.74	8.80	0.25	0.00	0.00	9.79
Early Childhood Special Education Teachers (ages 3-5)	4.15	1.12	94.42	3.60	0.00	103.79
Interpreters	0.00	1.50	28.98	0.00	28.98	30.48
Non-Professional Staff	0.00	0.00	0.00	0.00	106.92	106.92
Occupational Therapists	0.00	9.05	0.00	0.00	52.32	61.37
Other Professional Staff	0.00	33.64	0.00	0.00	95.49	129.13
Physical Therapist	0.00	13.08	0.00	0.00	37.00	50.08
Psychologists	0.00	6.03	65.60	2.00	0.00	73.63
Recreation and Therapeutic Recreation Specialists	0.00	0.00	0.00	0.00	4.00	4.00
Rehabilitation Counselors	0.00	0.00	0.00	0.00	1.00	1.00
Special Education Aides	0.00	0.00	0.00	0.00	1,301.37	1,301.37

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Special Education Counselors	0.00	0.31	0.00	0.10	17.68	18.09
Special Education Social Work	0.00	0.00	0.00	0.00	3.20	3.20
Special Education Teacher (ages 6-21)	18.17	2.08	843.09	31.04	0.00	894.38
Special Education Vocational Teachers	0.00	0.10	0.00	0.00	0.00	0.10
Special Education Work Study Coordinators (Job Coaches)	0.00	0.17	0.00	0.00	17.00	17.17
Speech/Language Pathologist (ages 3-5)	0.00	1.51	43.42	1.00	0.00	45.93
Speech/Language Pathologist (ages 6-21)	0.00	2.19	192.82	3.60	0.00	198.61
Supervisors or Administrators	0.00	0.00	59.24	12.01	0.00	71.25
Total	26.17	80.94	1302.65	55.65	1668.96	3134.85

Vacancy Data:

The information provided in the chart below is district-reported data on the number of vacancies they have in their district at the beginning of the school year. The table reflects the vacancies by FTE (full time employee). The second column reflects how many of those reported vacancies were filled by a non-certified individual. All data is recording by the amount of the FTE and may reflect less than full-time employees.

District Reported Vacancy Data 2002-2003 School Year		
Personnel Categories	Vacancy by FTE	Vacancy Filled by Non-Certified FTE
Early Childhood Special Education Teachers (ages 3-5)	2.0	0.0
Special Education Teachers (ages 6-21)	11.6	3.0
Speech Therapists (ages 3-5)	0.6	0.0
Speech Therapists (ages 6-21)	2.6	0.0
Special Education Vocational Teachers	0.0	0.0
Special Education Work Study Coordinators (Job Coaches)	0.0	0.0
Psychologists	0.0	0.0
Special Education Social Workers	0.0	0.0

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Occupational Therapists	0.0	0.0
Audiologists	0.0	0.0
Special Education Aides	4.0	0.0
Special Education Recreation and Therapeutic Specialists	0.0	0.0
Physical Therapists	0.0	0.0
Special Education Counselors	0.0	0.0
Supervisors or Administrators	2.0	0.0
Interpreters	1.0	0.0
Rehabilitation Counselors	0.0	0.0
Physical Education Teachers	0.0	0.0
Other Professional Staff	0.0	0.0
Non-professional Staff	0.0	0.0
TOTAL	23.8	3.0

Complaints and Due Process Hearing data:

In 2002-2003, there were no issues raised regarding personnel in either the complaint or due process hearing systems.

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

To reduce the number of special education personnel reported as non-authorized to 40 FTE statewide.

To reduce the number of special education personnel vacancies reported to 20 FTE statewide.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

As was reported to OSEP in the final progress report provided in June, 2003, a baseline data of five years is still being established. Beginning in 2005-2006, comparative data to show the effects of the improvement plan strategies will be in place. Data from the past three years does not support a significant concern in terms of ensuring qualified personnel are in place.

The process of collecting personnel data vacancies has been enhanced. Beginning with school year 2003-2004, the Department's Personnel Record Form (PRF) system, an online data tool, will also collect district vacancy data. It is expected that this improved data collection process will produce a more accurate and complete vacancy data set. At this time, the numbers of reported vacancies has dropped each of the past three years based on the data analyzed thus far.

During the 2002-2003 school year, there were no due process hearings or complaints filed with regards to having appropriately trained and certified individuals.

Based upon the data gathered to date, the SEA concludes the state is meeting the requirements to ensure qualified personnel are in place to ensure the provision of a free, appropriate public education to children in need of special education and special education and related services.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

<p>4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):</p> <p>To reduce the number of special education personnel reported as being non-authorized to 40 FTE statewide.</p> <p>To reduce the number of speical education personnel vacancies reported to 20 FTE statewide.</p>
<p>5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):</p> <p>Special Education staff will consult with Data Collection staff on the requirements of reporting numbers of highly qualified staff, including special education teachers, K-12. Special Education staff will continue to collaborate with Data Collection staff on the required data collection elements for IDEA reporting. SEA staff will also work collaboratively with the Office of Accreditation and Teacher Quality to address issues in personnel preparation and supporting the training programs to ensure adequate numbers of special education personnel.</p>
<p>6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):</p> <p>This section of Cluster Area 1 is in compliance and performance is acceptable. The state will maintain this level of performance through June 30, 2004.</p> <p><u>Resources:</u></p> <ul style="list-style-type: none"> • • • •
<p>Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):</p> <p>GS 5 - State procedures and practices ensure collection and reporting of accurate and timely data.</p>
<p>1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):</p> <p>South Dakota has developed a comprehensive system for the collection of student data. The state has a system, called SIMS (Student Information Management System), which is an online data collection tool that encompasses the collection of the majority of the federal reporting requirement under IDEA. SIMS is a comprehensive system of data collection which gathers statewide data on individual students, by unique identifiers. The system gathers the information for federal child count and accompanying non-child count information. Data is collected at specified dates through the school year. Schools are continually updated information throughout the year to ensure for the most accurate collection of information.</p> <p>The Office of Finance and Management, Data Collection, provides ongoing technical assistance and training to schools in the use of the SIMS programming. Electronic newsletters are issued prior to data</p>

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

collection dates throughout the year. To view the website for SIMs, go to <http://www.state.sd.us/deca/finance/Data/SIMS/index.htm>.

In addition to SIMS, South Dakota collects data on suspension and expulsion of students with disabilities via an online collection which occurs at the end of each school year. This data reporting is designed around the federal reporting forms and incorporates data checks to ensure all data is consistently reported throughout the tables. System administration is handled by SEA staff with minimal supports by computer specialist. The system has recently been redesigned to meet state specifications for online tools. The spring, 2003, data collection was the first time the newly designed system was utilized.

In the fall of 2002, South Dakota piloted an online IEP system which is merged with the SIMS. This tool allows districts to complete all IEP documentation via an online system and maintain records of students in a secure web-based system. This tool is merged with the SIMS, meaning that special education data is automatically updated via the development or revision of student IEPs. This process eliminates the need for a third party to encode confidential data, and also reduces the possibility of errors and omissions. It also serves to continuously keep the system current. By the spring of 2003, the online tool was made available statewide. Training on the online tool was presented by SEA staff in a series of regional trainings throughout March and April. Attendance at the training averaged 30 students per training, with trainings being held in Spearfish, Chamberlain, Watertown, Pierre, Mitchell and Cornbelt Cooperative in Parker, South Dakota. Each training consisted of a half day, at sites with computer terminals for each attendee.

As presented in GS 4, personnel data is collected through the online PRF system. This system has been collecting data on special education personnel for two years. An addition during the 2002-2003 school year was the collection of vacancy data. This report was previously not linked to PRF and, as a result, the state had a very poor response rate. With it's inclusion in the PRF system, this data collection has a higher response rate.

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

To introduce a web based IEP system for use statewide.

To continue to improve the consistency of data collection through SIMs and other data collection tools.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

No data is collected on the number of users of the online IEP tool. At this point, usage is spotty and it is unclear how many personnel are using the tool with success.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To determine the number of users of the online IEP tool and assess consumer satisfaction.

To provide more opportunities for training to use the online IEP tool.

To continue to improve the consistency of data collection through SIMs and other data collection tools.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

SEA staff will gather information from current users of the online IEP tool to assess consumer satisfaction. Areas identified as needing improvement from consumer input will be analyzed and prioritized to work with the system developers. Any enhancements or revisions to the tool will be identified and relayed to the system developers.

Additional trainings will be conducted to ensure all districts have the opportunity to be trained in the use of the online IEP tool.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

This section of Cluster Area 1 is in compliance and performance is acceptable. The state will maintain this level of performance through June 30, 2004.

Resources:

-
-
-

Cluster Area II: Early Childhood Transition

Question: Are all children eligible for Part B services receiving special education and related services by their third birthday?

State Goal (for reporting period July 1, 2002 through June 30, 2003):

All children eligible for Part B services will receive special education and related services by their third birthday.

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

All Children exiting the Part C program at age three who are eligible for Part B have an IEP in place no later than their third birthday.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):

Part C exit data:

The chart entitled "Report on Infants and Toddlers Exiting Part C Programs" reflects four years of data which details the exit of toddlers from the early intervention program in South Dakota. The first column details the reasons provided upon exiting the Part C program. The final two rows reflect the total number of three year olds who exited and a comparison with the total number of children in the early intervention, Part C program, ages birth to three.

REPORT ON INFANTS AND TODDLERS EXITING PART C PROGRAMS				
Reasons for Exit	1999-2000	2000-2001	2001-2002	2002-2003
Part B eligible (on an IEP by 3 rd Birthday)	82% (283)	79% (325)	78% (335)	78% (373)
Part B ineligible (3 year olds)	14% (50)	15% (63)	17% (74)	18.5% (90)
Part B eligibility not determined (for various reasons related to both parent preference and/or institutional barriers for 3 year olds)	4% (13)	6% (25)	5% (21)	3.5% (17)
Other exit reasons (ages 0-3)	26% (124)	24% (131)	24% (135)	23% (143)
Total Exits of 3 year olds	346	413	430	480
Total Child Count ages 0-3	645	655	705	830

Part C monitoring data shows that the appropriate team members are present at the majority of the IFSP meetings for Prolonged Assistance children, but that is not always the case for Part C only children

Complaints and Due Process Hearing data:

In 2002-2003, there were no complaints or due process hearing requests received regarding issues of transitioning students from the Part C to Part B upon turning age three.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

South Dakota will focus on the small number of 3 year old children for whom no Part B determination was made and determine if appropriate evaluations and transition planning have occurred.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

The lead agency for Part C is the Department of Education. Part C and Part B coordinators are situated within the Department of Education Office of Educational Services and Support and have on-going day to day contact. Although the data collection systems are separate because of the non-school district involvement in much of the Part C work, the transition data is shared between programs. A B/C transition technical assistance manual was developed jointly by Part C and Part B staff in the early 1990's. This document was recently updated, and continues to be used by field staff and parents. Each district was required to address transition from Birth to 3 Connections (Part C) to preschool in their comprehensive plan for special education..

Data from years 2002 and 2003 shows progress in the percentage of children who did not have eligibility determined for Part B upon exiting the Part C program. Part B eligibility is determined for about 95% of the 3 year olds who exit Part C. seventy nine percent are typically eligible for preschool special education services and an average of sixteen percent does not qualify, for special education.

The remaining 5% have not had eligibility determined upon exiting Part C. This can be attributed to a parent not wanting to have a referral made for preschool when they exit the IFSP and/or there may be institutional barriers to getting the evaluations done in a timely manner. Sometimes parents defer the eligibility determination to the start of school, especially if the child turns three during summer months. This would be an average of less than 20 three year old children in any given year over the past 4 years. South Dakota aggressively trains Service Coordinators to use the correct exit codes when a family declines referral to Part B at age 3. This data indicates South Dakota should be making a concerted effort to figure out why this small number of children is missed and when circumstances point to specific school district(s), corrective action is addressed in Improvement Plans to alleviate the problem in those districts that are not getting the job done.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

100% of Part C children transitioning and eligible for Part B reflect a start on the 3rd birthday regardless of whether the IEP falls within the typical school calendar.

100% of IFSP transition meetings for Part C eligible children have a school district special education person present and planning for evaluations is done 90 days or more prior to the 3rd birthday.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

The state will pilot an expansion of the Part B monitoring to include specific on-site activity for all schools monitored to compare the exit Part C data with the early childhood IEP beginning dates with the expectation that any child who exits Part C will have an IEP completed on their 3rd birthday. The department will pilot participation by Part C staff on four on-site CIMP visits to districts to verify Part C exit data and determine school district compliance regarding transition from Part C to Part B by the 3rd birthday

All Part B monitoring visits will include Part C exit data and compare with beginning date of IEPs and the children's 3rd birthday by 2004-2005.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

This section of Cluster Area 1 is in compliance and performance is acceptable. The state will maintain this level of performance through June 30, 2004.

Resources:

-
-
-

Cluster Area III: Parent Involvement

Question: Is the provision of a free appropriate public education to children with disabilities facilitated through parent involvement in special education services?

State Goal (for reporting period July 1, 2002 through June 30, 2003):

Through parent involvement in special education services the provision of a free appropriate public education will be afforded to children with disabilities.

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003)

Parents of students with disabilities will be afforded genuine opportunities to provide input and be involved in their child's special education services.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):

Compliance Monitoring data:

This data table reflects three specific areas monitored under principle four, procedural safeguards for 2002-2003. It also reflects the administrative requirements for IEP team membership as monitored in principle five, individualized education program for 2002-2003.

	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Principle Four- Procedural Safeguards			
Content of Rights	3%	97%	1

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Consent	26%	74%	10
Parent input into evaluation	16%	84%	6
Principle Five- Individualized Education Program	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
IEP Team	11%	89%	4

Baseline data for the 2002-2003 CIMP indicates parental input was not sought and received and this requirement found out of compliance in 6 out of 38 schools/ agencies reviewed. Baseline data for 2002-2003 CIMP indicates consent to evaluate was not obtained and the requirement found to be out of compliance in 10 out of 38 schools/agencies reviewed. The content of the parental rights (procedural safeguards) document was found out of compliance in 1 out of 38 schools/agencies reviewed. IEP team membership was found to be out of compliance in 4 out of 38 schools/agencies reviewed. Two were identified due to not having a regular educator present, the other two districts were identified for unidentified team members missing.

South Dakota's CIMP requires districts to survey parents regarding their level of satisfaction with their child's special education program. These results are gathered and tabulated by the local education agency and are used in the development of the district's self-assessment. The survey is located on the state website at:

<http://www.state.sd.us/deca/Special/news/monitor/>.

Complaints and Due Process Hearing data:

In 2002-2003, two separate complaints raised issues regarding parental participation in meetings, one of which was substantiated through the complaint investigation process. An additional complaint issue also addressed provision of prior notice to parents, which was validated through the complaint investigation process. No due process hearings were requested regarding issues of parental involvement.

Parent Involvement in Special Projects:

South Dakota consistently involves parents in ongoing projects, workgroups and in the development of various technical assistance documents. Each time a group is convened to address policy development, parent representation is ensured.

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

Consent will be obtained prior to any proposed evaluation of a student potentially in need of special education 100% of the time as measured by CIMP.

Parents of students with disabilities will participate in IEP meetings or afforded the opportunity to participate in a mutually agreeable manner 100% of the time as measured by CIMP.

Parents of students with disabilities will be asked to provide input into the evaluation planning process 100% of the time as measured by CIMP.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

Participation of parents in the evaluation planning process, and parent consent continues to be areas of concern. Monitoring data reflects that districts are not consistently documenting the process used to obtain input from parents when planning evaluation. Many districts report they contact the parent, but often fail to document their input. This area has been emphasized to the monitoring teams to ensure they focus on this requirement.

Parental satisfaction data is currently not gathered at the state level. The surveys sent out as part of the CIMP are not provided to the state, but rather become part of the district's self-assessment. Currently the state is lacking a reliable tool for measuring parent satisfaction for their involvement.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

Consent will be obtained prior to any proposed evaluation of a student potentially in need of special education 100% of the time as measured by CIMP.

Parents of students with disabilities will participate in IEP meetings or afforded the opportunity to participate in a mutually agreeable manner 100% of the time as measured by CIMP.

Parents of students with disabilities will be asked to provide input into the evaluation planning process 100% of the time as measured by CIMP.

Parents will report satisfaction with their level of involvement in their child's special education program.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

Special Education Programs will hold monthly teleconference calls with South Dakota Parent Connection and identify mutual goals and activities that will impact parental involvement. A method for collecting data on the reported level of satisfaction with parent involvement will be determined and implementation will occur. The state agency will continue to involve parents in all workgroups and planning committees convened by the SEA to meet the needs of children in need of special education in the state.

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

Ensuring the involvement of parents is an ongoing goal for South Dakota. Timelines to meet the state targets for compliance will be through June 30, 2004.

Resources :

-
-
-

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Cluster Area IV: Free Appropriate Public Education in the Least Restrictive Environment

Question: Do all children with disabilities receive a free appropriate public education in the least restrictive environment that promotes a high quality education and prepares them for employment and independent living?

Probes:

- BF.I** Is the percentage of children with disabilities, receiving special education, by race/ethnicity, significantly disproportionate to the percentage of children, by race/ethnicity, in the general population; and are their educational environments and disability categories significantly disproportionate to national data?
- BF.II** Are high school graduation rates, and drop-out rates, for children with disabilities comparable to graduation rates and drop-out rates for nondisabled children?
- BF.III** Are suspension and expulsion rates for children with disabilities comparable among local educational agencies within the State, or to the rates for nondisabled children within the agencies?
- BF.IV** Do performance results for children with disabilities on large-scale assessments improve at a rate that decreases any gap between children with disabilities and their nondisabled peers?
- BF.V** Are children with disabilities educated with nondisabled peers to the maximum extent appropriate, including preschool?
- BF.VI** Are the early language/communication, pre-reading, and social-emotional skills, of preschool children with disabilities receiving special education and related services, improving?

State Goal (for reporting period July 1, 2002 through June 30, 2003):

Goal 1 - All children with disabilities receive a free appropriate public education in the least restrictive environment that promotes a high quality education and prepares them for employment and independent living.

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

BF.I The percentage of children with disabilities, receiving special education, by race/ethnicity, are not significantly disproportionate to the percentage of children, by race/ethnicity, in the general population; and their educational environments and disability categories are not significantly disproportionate to national data.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. *Use Attachments 2 and 3 when completing this cell.*):

Refer to OSEP Attachment 2.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

To report a comparable rate of students indentified with disabilities in comparsion to nondisabled peers by race/ethnicity

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

•

The data analysis identified two categories as being significantly disproportionate to the general population. The first category, Asian, was identified as being underrepresented by .28 percent. The other, American Indian, was identified as being overidentified by .62 percent.

•

Learning Disabled – under identified Asian students by .58 percent and over identified American Indian students by .47 percent.

Mental Retardation – over identified Black student by .66 percent and American Indian students by .52 percent.

Hearing Impairments – under identified Black students by 1 percent and Asian students by .28 percent, over identified American Indian students by .23 percent

Speech or Language Impairments –under identified Black students by .35 percent and Hispanic students by .33 percent, over identified Asian students by .25 percent and American Indian students by .35 percent.

Visual Impairments – under identified Black students by 1 percent, over identified Hispanic students by .79 percent, Asian students by 1.68 percent and American Indian students by .88 percent.

Emotional Disturbance – under identified Asian students by .64 percent, over identified Black students by .65 percent, Hispanic students by .11 percent and American Indian students by .94 percent.

Orthopedic Impairments – under identified Hispanic students by 1 percent, over identified Balck students by .65 percent, Asian by 1.27 percent and American Indian by .25 percent.

Other Health Impairments – under identified Asian students by .58 percent and over identified Black students by .31 percent.

Deaf-Blindness – under identified Black, Hispanic, Asian and American Indians all by 1 percent

Mutiple Disabilites – over identified Black students .79 percent, Hispanic student by .46 percent and American Indian students by .82 percent.

Autism – under identified Black students by .51 percent, Asian students by .66 percent and American Indian students by .39 percent, over identification of Hispanic students by .58 percent.

Traumatic Brain Injury – under identified Asian students by 1 percent, over identified Black students by 2.9 percent , Hispanic students by .19 percent. And American Indian students by .79 percent.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

• **Placement of children in a particular educational environment**

Outside the regular classroom <21% - under identified Hispanic students by .22 percent and Asian students by .27 percent, over identified American Indian students by .61 percent.

Outside the regular classroom 21-61% - over identified Black students by .40 percent, Hispanic students by .61 percent; and American Indian by .56 percent.

Outside the regular classroom >60% - under identified Asian students by .36 percent, over identified Black students by .85 percent; Hispanic students by .27 percent, and American Indian students by .46 percent.

Public Separate Facility – underidentified Asian students by 1 percent; and over identified Hispanic students by 1.02 percent

Private Separate Facility – under identified Hispanic students by .35 percent; and Asian students by 1 percent; over identified Black student by .42 percent and American Indian students by .47 percent.

Public Residential Facility – under identified Asian students by 1percent; over identified Hispanic students by .34 percent; and American Indian students by 1.96 percent.

Private Residential Facility – under identified Asian students by .66 percent; over identified Black students by .24 percent; and American Indian students by 2.06 percent.

Homebound/Hospital – under identified Asian students by 1 percent and American Indian students by .49 percent; over identified Black students by 2.7 percent; and Hispanic students by 2.38 percent.

Analysis of Data:

South Dakota's ethnic composition is significantly less diverse when compared to national figures. Beyond the largest category of students, which is comprised of caucasian students, American Indian is the next largest ethnic group. The remaining groups of Black, Hispanic and Asian represent a percentage of the population that ranges from 1.04 percent to 1/56 percent of the total population of the state. As a result, the state appears to report high numbers of students as being over and under identified in various disability categories and placements.

Of each of the categories, American Indian provides a more statistically reliable set of results. These results indicate an overall trend of slight over identification of American Indian students in special education. On the opposite end, Asian students appear to be consistently under identified; however, these results must be viewed with a high degree of caution considering the low number of students used to calculate a significant finding.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To identify districts with disproportionate numbers of American Indian students in special education and verify appropriate procedures are in place for identification.

To reduce the number of American Indian students identified as being in need of special education to a level comparable to the state rate of 10.34%.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

South Dakota will develop a CIMP database to track this disproportionality during monitoring. The established baseline of the percent of districts that show significant disproportionality will be provided to each monitoring team so they may provide information to districts during the onsite review process. The state will identify which districts show significant disproportionality, and require that they thoroughly assess the data, policies, procedures and practices for the identification and placement of children with disabilities to determine whether they comply with the requirements of the IDEA, are otherwise appropriate, and are race neutral.

South Dakota will work in conjunction with national centers specializing in the area of appropriate identification and service delivery for all students, eliminating issues of potential biases and inappropriate procedures when working with differing cultures.

7. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

The status of identification of students in special education and educational placements is an ongoing issue for the state. South Dakota will meet its identified goal by June 30, 2004.

Resources:

-
-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

BF.II High school graduation rates, and drop-out rates, for children with disabilities are comparable to graduation rates and drop-out rates for nondisabled children.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. *Use Attachments 2 and 3 when completing this cell.*):

Chart Explanation:

The chart below provides 2002-2003 data showing comparison of drop out rates and graduation rates of students in need of special education as compared to students who are non-disabled. Columns in blue reflect students in special education. Columns in red are students who are nondisabled. The chart reflects what percentage of students (both disabled and nondisabled) are reported as dropping out. This calculation is arrived by taking the total number of drop outs reported grades 7-12 divided by the accumulated enrollment for grades 7-12.

The next set of columns details the percentage of students who graduate from high school with a regular diploma in the state of South Dakota. This figure is arrived at by taking the number of drop outs reported for grade 12 divided by the total of grade 12 graduates and grade 12 dropouts.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

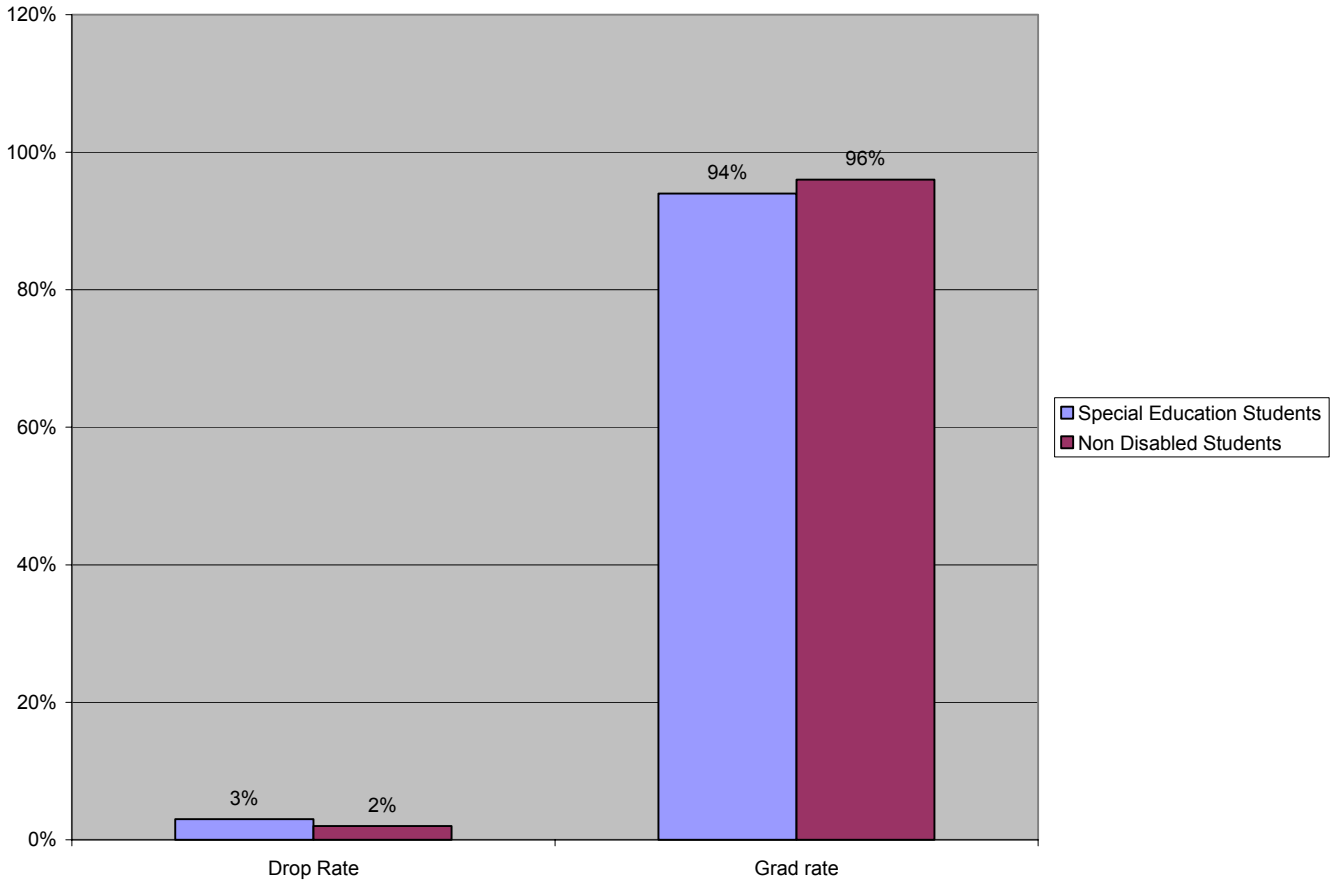


TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

South Dakota established a target for student drop outs in the most recent Biannual Performance report that stated : The performance target is the drop-out rate of 2.77% for students with disabilities to decrease to 0 percent. This target continues to be in place.

South Dakota established a target for the rate of graduation for students with disabilities in the most recent Biannual Performance report which stated: The performance target is to bring the percentage of students with disabilities graduating from an approved program up to 95% (current rate of graduation for all students). This target continues to be in place.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

The data collected during 2002-2003 reflects students with disabilities are reported as drop-outs at a similar, although slightly higher percentage than nondisabled students. The data is gathered through an analysis of total drop outs reported grades 7-12 divided by the accumulated enrollment for grades 7-12. As can be seen from the established target from the Biannual Performance report for 199-2001, South Dakota is still working to meet this target.

Data on the graduation rate for 2002-2003 reflects similar information. Students with disabilities are graduating at a similar, although slightly lower percentage as compared to non-disabled students. The data is calculation by taking the number of drop outs reported for grade 12 divided by the total of grade 12 graduates and grade 12 dropouts. In the previous Biannual Performance Report, South Dakota reported the following data: For school year 2000-2001, the state reported 439 students with disabilities as graduating with a diploma, out of 749 students, ages 17-21, grades 12 and up. This data resulted in a figured graduation rate of 58.61% for students with disabilities, ages 17-21. This compares to a total of 8,756 students who graduated, out of 9,216. This data resulted in a figured graduation rate of 95% for all students, who graduated at the end of school year.

As can be seen in the table above, South Dakota is making progress in meeting the established targets for graduation rates of students with disabilities. The rates are comparable and have shown an increase for both students in special education and nondisabled students.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To decrease the current drop out rate of 3% for students with disabilities to 2% (current rate of nondisabled students).

To bring the percentage rate of students with disabilities graduating from an approved program up to 96% (current rate of graduation for all students).

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

South Dakota will take steps to disseminate data from the annual performance report to inform and educate school districts regarding the status of students graduating and dropping out in the state. The topic of reducing and/or preventing student drop outs will be the focus of technical assistance provide to local school districts throughout the state.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

Addressing the drop out rate and graduation rate of students in special education and educational placements is an ongoing issue for the state. South Dakota will work to meet the identified targets by June 30, 2004

Resources:

-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

BF III. Suspension and expulsion rates for children with disabilities are comparable among local educational agencies within the State, or to the rates for nondisabled children.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. *Use Attachments 2 and 3 when completing this cell.*):

Chart Explanation:

This chart provides a four year comparison of the rates of suspension/expulsion for students who are in need of special education to students who are non-disabled. The first column reflects OSEPs required data collection points, with each subsequent column reflecting a raw number of students and a percentage of the total enrollment that have been identified for that data point. Note that total enrollment provided under nondisabled students reflects all students, PreK through grade 12. The figure provide for special education student is the federal child count collected each December 1.

Comparison of Suspension/Expulsion Data 1999-2003				
Data Item	State Data 1999-2000	State Data 2000-2001	State Data 2001-2002	State Data 2002-2003
# and % of nondisabled students suspended/expelled > 10 days	247/0.2% Total enrollment – 129,093	178/0.1% Total enrollment – 127,950	161/0.1% Total enrollment – 126,769	344/0.3% Total enrollment – 126,390

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

	# and % of nondisabled students suspended/expelled with multiple short-term suspensions summing to >10 days	604/0.5% Total enrollment – 129,093	175/0.1% Total enrollment – 127,950	162/0.1% Total enrollment – 126,769	215/0.2% Total enrollment – 126,390	
	# and % of disabled students suspended/expelled > 10 days	22/0.1% Total Child Count – 16,035	9/0.1% Total Child Count – 16,554	13/0.1% Total Child Count – 16,718	24/0.1% Total Child Count – 17,146	
	# and % of disabled students suspended/expelled with multiple short-term suspensions summing to > 10 days	131/0.8% Total Child Count – 16,035	36/0.2% Total Child Count – 16,554	46/0.3% Total Child Count – 16,718	35/0.2% Total Child Count – 17,146	
2. Targets (for reporting period July 1, 2002 through June 30, 2003):						
The rate of suspensions for students with disabilities is comparable to the rate of suspensions for non-disabled students, either the same or at a lesser rate.						
3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):						
South Dakota is maintaining a comparable rate of suspended students with disabilities in comparison to students who are non-disabled. Training on the issues related to suspension and expulsion of students has been consistent since the reauthorization of IDEA in 1997. School districts have approved policies and procedures within their comprehensive plan for special education which details the steps districts will take when considering the removal of a student in need of special education for conduct issues.						
4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):						
The rate of suspensions for students with disabilities will continue to be comparable to the rate of suspensions for non-disabled students, either the same or at a lesser rate.						
5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):						
South Dakota will continue to require districts/agencies to address their procedures for suspension and expulsion of students with disabilities through their comprehensive plan. Technical assistance will be supported through training and inservice opportunities via the state's Dakota Digital Network (DDN) system which allows two way video and audio conferences to be conducted statewide. In addition to these supports, the state will identify supportive materials regarding addressing students with behavioral difficulties and purchase materials for district resource libraries.						

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

This section of Cluster Area 4 is in compliance and performance is acceptable. The state will maintain this level of performance through June 30, 2004.

Resources:

-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

Goal 2: Students with disabilities will reach high standards, at a minimum, attaining proficiency or better in reading/language arts and mathematics.

BF.IV All students with disabilities will participate in the statewide assessment or alternate assessment, and the performance results for children with disabilities on large-scale assessments improve at a rate that decreases any gap between children with disabilities and their nondisabled peers

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. *Use Attachments 2 and 3 when completing this cell.*):

Refer to OSEP Attachment 3 Section C for data on performance data on statewide assessment

Participation Data:

The chart below details the rate of participation reported for students in special education and students in general education. The chart compares each groups level of participation in the reading and math portions of the DakotaStep, and on the alternate assessment, STAARS. The reading is represented by blue columns and the math is represented by the red columns.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

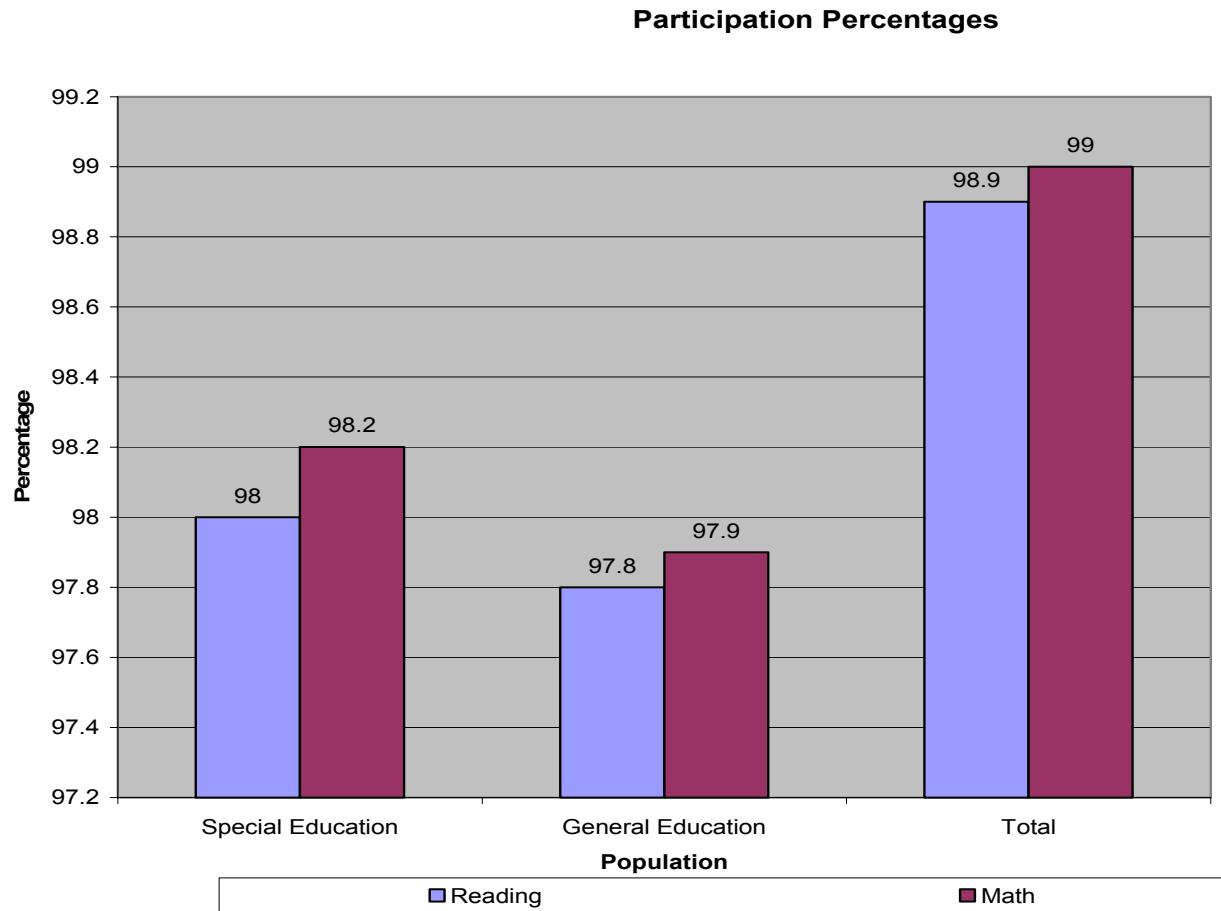


TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

The performance results for children with disabilities on large-scale assessments will improve at a rate that decreases the gap between children with disabilities and their nondisabled peers.

Students with disabilities will participate in statewide assessments at a rate of 95% or higher.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

During school year 2002-2003, South Dakota initiated a new statewide assessment tool, known as the DakotaStep. This test is a combination of the abbreviated Stanford 10 and criterion-reference elements based upon South Dakota's content standards in reading and math. Student results on the criterion-reference portion of the Dakota Step are used in comparison to established achievement standards, ranging from below basic, basic, proficient and advanced. The administration of this test provides a baseline set of measurements. Subsequent years will render comparative data to track student progress in reading/language areas and mathematics.

Participation data reflects that South Dakota has achieved the identified performance target from the 1999-2001 Biennial Performance report of 95% participation or higher in statewide assessments. It is can be noted that students with disabilities participated in the statewide assessments at a higher level than their nondisabled peers.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To reduce the number of students with disabilities scoring in the basic and below basic achievement levels in reading and math on the Dakota STEP by 10%.

To maintain a participation rate of 95% or higher for students with disabilities in taking the statewide assessments.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

South Dakota will address the development of extended content standards for the state's alternate assessment tool, Statewide Team-led Alternative Assessment Reporting System (STAARS). Once those standards have been established, the state will ensure the alignment of the extended standards with the new general education standards in reading and math. The STAARS tool will be revised for validity and reliability to meet the technical quality requirements under NCLB. During the 2004-2005 school year, the revised tool will be put into place and from that, the state will establish alternate levels of achievement. The state will implement the flexibility provisions provided under NCLB, Title I, to use alternate assessments based on alternate achievement standards, up to one percent; for students with the most significant cognitive disabilities..

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

8. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

This area under Cluster 4 is an ongoing goal for South Dakota. South Dakota will meet its established target by June 30, 2004.

Resources:

-
-
-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

BF. V All children, including preschool, are educated with non-disabled peers to the maximum extend appropriate.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. *Use Attachments 2 and 3 when completing this cell.*):

Compliance Monitoring Data:

The chart below reflects the status of districts monitored during the 2002-2003 school year, and the reported level of compliance under principle six, least restrictive environment. The chart lists the specific administrative rules which comprise the entire principle. The second column details the percentage of the districts which were identified as being noncompliant with a particular administrative rule. The third column details the percent of district found to be in compliance with the rule. The final column provides a raw number of the districts who were identified as being noncompliant with the specific administrative rule.

	Percent of districts found noncompliant	Percent of districts found to be in compliance	Total number of districts cited under this area out of 38 districts
Principle Six- Least Restrictive Environment			
Continuum of services not available to students with disabilities	8%	92%	3
Continuum options not appropriately addressed at the IEP meeting	11%	89%	4
Determination of required services	3%	97%	1
Access to IEP	3%	97%	1
Review & revisions of IEP	11%	89%	4

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Transfer of parental rights	0%	100%	0
Total Principle Six	24%	76%	9

School-age Placement Data:

This chart reflects the placement of students in need of special education, ages six through 21. The data reflects placement data from 2000-2001, 2001-2002 and 2002-2003. The data reflects a raw number of students reported in each of the six school-age placement options, and provides a percentage of those students who are placed in each of the categories to allow for comparisons across multiple years.

Placement Category	2000-2001		2001-2002		2002-2003	
Regular classroom with modifications	9,397	56.77%	9,385	56.14%	9,588	55.92%
Resource Room	3,521	21.27%	3,758	22.48%	3,810	22.22%
Self-contained classroom	893	5.39%	847	5.07%	908	5.30%
Day program	207	1.25%	253	1.23%	215	1.25%
24-hour program	238	1.44%	253	1.51%	257	1.50%
Home/Hospital	17	0.10%	27	0.16%	19	0.11%

Early Childhood Placement Data:

This chart reflects the placement of students in need of special education, ages three through five. The data reflects placement data from 2000-2001, 2001-2002 and 2002-2003. The data reflects a raw number of students reported in each of the six preschool-age placement options, and provides a percentage of those students who are placed in each of the categories to allow for comparisons across multiple years.

Placement Category	2000-2001		2001-2002		2002-2003	
Home	62	2.7%	52	2.3%	33	1.4%
Early Childhood Setting	411	18%	443	19.75%	455	19.36%
Part-time early childhood/ part-time early childhood special education	577	25.29%	561	25.02%	587	24.98%

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Early childhood special education	1,216	53.3%	1,158	51.65%	1,254	53.58%
Separate school	11	0.48%	14	0.62%	13	0.5%
Residential facility	4	0.17%	14	0.62%	7	0.29%

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

To maintain the number of students reported as receiving special education services in the general education classroom at 55% or higher.

To decrease the proportion of preschool children receiving special education in isolated special education settings by 10%.

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

The two charts provided reflect trend data from 2000 to 2002 and presents the continuum of alternative placements for both school age (6-21) and preschool-age children (3-5) in need of special education.

The school-age placement data chart reports the majority of students in South Dakota receive their special education services within the general education classroom (currently 55.92%). The next highest category for placements is the resource room setting, which captures 22.22% of all students ages 6-21. The remainder of the more restrictive settings, from self-contained down to home/hospital reflects very small numbers as placement options being used in South Dakota.

From this data and in looking at the trend date beginning in 2000, South Dakota concludes it is making adequate progress in ensuring school-age students are educated in the least restrictive environment. The majority of students ages six -21 in special education spend the majority of their day with their nondisabled peers in typical settings.

The preschool-age placement data chart reflects an opposing picture of placement choices and opportunities to be with non-disabled peers. In this data, the majority of preschool-age children in need of special education receive their services in a setting designed solely for early childhood special education (currently 53.58%). The next highest placement option being utilized is the combined placement choice of part-time early childhood and part time early childhood special education. This setting was reported for 24.98% of children in need of special education, ages 3-5. This setting is most likely comprised of children who attend kindergarten part of the day and receive early childhood special education services for the other portion of the day. This means that approximately 80% of preschool-age children in need of special education receive services in a placement with minimal involvement of typically developing peers. This data points to the need in the state to move more children into settings which are less restrictive.

South Dakota does not report data on reverse mainstreaming or itinerate services out side the home. Itinerate services are reported within the early childhood setting category.

South Dakota does not require school districts to educate preschool age children who are not eligible for special education, so children receiving special education services in the early childhood settings include Kindergarten classes, public or private preschools, Head Start centers, child care facilities, etc.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To maintain the number of students reported as receiving special education services in the general education classroom at 55% or higher.

To decrease the proportion of preschool children receiving special education in isolated special education settings by 10%.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

South Dakota will develop a strategy to provide training and technical assistance to help schools expand their preschool placement options for children based on their educational needs. Current research and methodology will be shared with local school districts to enhance the level of understanding for LRE options. The state agency will also collaborate with current preschool programs within the state and identify areas for potential collaboration that will facilitate more LRE options.

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

Ensuring the least restrictive environment for preschool-aged children in need of special education is an ongoing goal for South Dakota. Timelines to meet the state targets for compliance will be through June 30, 2004.

Resources:

-
-
-
-

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

BF. VI Improvement is being made in the early language/communication, pre-reading, and social-emotional skills for preschool children with disabilities receiving special education and related services.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003. *Use Attachments 2 and 3 when completing this cell.*):

South Dakota has not previously had a requirement to collect data in the areas of early language/communication, pre-reading and social-emotional skills.

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

There was no target for this reporting period.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

South Dakota does not currently have standards established in the areas of early language/communication, pre-reading and social-emotional skills. With the reauthorization of IDEA in 1997, South Dakota did publish a set of performance goals and indicators for children ages three through five. The indicators are located on the state website at: <http://www.state.sd.us/deca/Special/forms/pgi/index.htm>. These indicators were disseminated to assist districts/agencies in developing goals and objectives that were developmentally appropriate. The indicators, however, did not find a wide audience nor was knowledge of the indicators evident when performing compliance reviews.

With the revision of state content standards in the areas of reading and math, South Dakota will need to revisit the preschool indicators and ensure an alignment to those expectations for students beginning with kindergarten.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To define early learning standards in the areas of early language/communication, pre-reading and social-emotional skills for the state of South Dakota.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

South Dakota will convene a workgroup to plan for appropriate data collection that will support analysis of the issues regarding early language/communication, pre-reading, and social-emotional skills for preschool children with disabilities receiving special education and related services.

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

The development of a system for standards in early language/communication, pre-reading and social-emotional skills is ongoing goal for South Dakota. Timelines to meet the state targets for compliance will be through June 30, 2004.

Resources

-
-
-
-
-
-

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

Cluster Area V: Secondary Transition

Question: Is the percentage of youth with disabilities participating in post-school activities (e.g., employment, education, etc.) comparable to that of nondisabled youth?

State Goal (for reporting period July 1, 2002 through June 30, 2003):

Youth with disabilities will participate in post-school activities (employment, education) at a comparable rate to nondisabled youth.

Performance Indicator(s) (for reporting period July 1, 2002 through June 30, 2003):

All youth with disabilities will receive individualized, coordinated transition services, designed within an outcome oriented process which provides movement from school to post-school activities.

1. Baseline/Trend Data (for reporting period July 1, 2002 through June 30, 2003):

Compliance Monitoring Data:

The chart below reflects the status of districts monitored during the 2002-2003 school year, and the reported level of compliance under for the administrative rules which address secondary transition. In the first column, the chart lists each specific administrative rule. The next three columns detail the number of districts found to be out of compliance with the administrative rule compared to the total number of districts reviewed in that year. The final three columns reflect those numbers of districts out of compliance as a percentile in order to allow comparisons across the three years. South Dakota began implementation of the CIMP process in 2000 and complete data for comparisons will be available once the five year cycle is complete in 2005-2006.

Administrative Rules	Number of district out of compliance/ Number of districts reviewed			Percentile of districts/agencies out of compliance		
	School Year 2000-2001	School Year 2001-2002	School Year 2002-2003	School Year 2000-2001	School Year 2001-2002	School Year 2002-2003
ARSD 24:05:27:13:02. Transition Services	15/49	19/41	21/38	30%	46%	55%
a. Justification statements addressed	15/49	19/41	11/38	30%	46%	29%

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

b. Transition services addressed in IEP	15/49	19/41	19/38	30%	46%	50%
ARSD 24:05:27:01 Content of IEP						
a. Transition planning is an outcome orientated process	17/49	19/41	25/38	34%	46%	67%
b. Course of study identified at age 14	9/49	19/41	8/38	18%	46%	21%
c. Student informed of transfer of parental rights upon reaching age of majority (18)	5/49	19/41	8/38	10%	46%	21%

Complaint and Due Process Hearing Data:

The chart below reflects three years of data for due process hearings and complaint investigations. The chart looks at each administrative rule which pertains to secondary transition in the state of South Dakota and notes that no hearings or complaints in the last three years have addressed transition related services.

Administrative Rules	Due Process Hearings Data			Complaint Data		
	<i>School Year</i>	<i>School Year</i>	<i>School Year</i>	<i>School Year</i>	<i>School Year</i>	<i>School Year</i>
	<i>2000-2001</i>	<i>2001-2002</i>	<i>2002-2003</i>	<i>2000-2001</i>	<i>2001-2002</i>	<i>2002-2003</i>
ARSD 24:05:27:13:02. Transition Services	0	0	0	0	0	0
a. Justification statements addressed	0	0	0	0	0	0
b. Transition services addressed in IEP	0	0	0	0	0	0
ARSD 24:05:27:01 Content of IEP						
a. Transition planning is an outcome orientated process	0	0	0	0	0	0
b. Course of study identified at age 14	0	0	0	0	0	0
c. Student informed of transfer of parental rights upon reaching age of majority (18)	0	0	0	0	0	0

Transition Services Liaison Project:

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

The Transition Services Liaison Project (TSLP), is a state initiated project funded by the state Vocational Rehabilitation (VR) agency –Division of Rehabilitation Services (DRS) and Service to the Blind and Visually Impaired (SBVI) and the State special education agency – Special Education Programs (SEP). The managing agency grantee is the division of rehabilitation services which contracts with Black Hills Special Services Cooperative for project management. The Transition Services Liaison Project provides technical assistance and training to students, families, LEAs, and adult service agencies. The project has three regionally based staff to provide support and technical assistance to individuals, families, LEAs, and agencies seeking information on transition planning. Activities provided by the Regional Transition Liaisons include: training to students, families, schools, and adult service agencies on transition and development of transition plans; identifying and obtaining instructional materials, assistance with implementation of self determination curriculum; assistance with identification of local resources; development of interagency councils to address regional transition service needs; and individual support/assistance. Information on the project can be found on the states website at: <http://www.state.sd.us/deca/Special/transproj.htm>

TSLP staff have been involved in an OSERS Grant Project, entitled “Exceeding Expectations”, which is designed to capture information regarding post-secondary outcomes. The initial results of a survey of students attending post-secondary programs across the state of South Dakota, are as follows:

Survey Questions	Responses out of 86	Responses out of 86	Does not apply
Attended high school in SD	Yes – 60	No - 26	
Received special education services in high school	Yes – 39	No - 47	
Satisfied with high school special education services	Yes – 33	No - 6	NA - 47
Had an IEP	Yes – 38	No – 29	NA – 19
Contributed to developing the IEP	Yes – 30	No – 27	NA - 29
Currently employed	Yes – 47	No – 39	

In addition to the Exceeding Expectations project, TSLP adopted the Transition Outcomes Project (TOPs) designed by Ed O’Leary with MPRRC. This project has been merged into the states CIMP review process. Regional staff are team members conducting the onsite review portions of CIMP and assist schools with addressing areas identified as being in need of correction through training and technical assistance both at the time of the review and post review. During 2002-2003, South Dakota, through the TSLP, provided a week-long summer institute, entitled “Transition in Action” to provide intense support and training to those districts identified through the CIMP/TOPS process. Evaluations from the institute were extremely positive.

2. Targets (for reporting period July 1, 2002 through June 30, 2003):

To decrease the number of schools identified through the CIMP process as not meeting compliance with regulations addressing secondary transition.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):

The percentage of schools that are out of compliance in Transition services for the past 3 years has increased. An explanation for this is that the onsite reviewers have been looking more intensely at the transition portions of the IEPs in the past 3 years. Improvement plans are addressing the transition problems and are making improvements. Districts which are found out of compliance are required to address their identified compliance problems with a 12 month reporting period. As noted under cluster 1, general supervision, the CIMP process requires districts to submit six and twelve month progress reports. These progress reports detail the steps the district is taking and subsequent data to reflect compliance with administrative rule. No district is allowed to exceed the twelve month period for achieving compliance without being subject to another onsite review.

The incorporation of the TOPs process with CIMP ensures an even more intense compliance review of secondary transition services. The "Transition in Action" summer institute is a logical companion piece to the TOPs process, to ensure those districts identified receive the technical assistance necessary to make systemic changes. These efforts will need to continue to ensure an effect approach to impacting compliance status.

The information from Exceeding Expectations does give the state a brief, yet incomplete, picture of the status of youth with disabilities in post-secondary settings. At this time, the state does not have a mechanism in place to provide comparisons to non-disabled youth.

4. Projected Targets (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To continue to decrease the number of schools identified through the CIMP process as not meeting compliance with regulations addressing secondary transition.

To identify a process to compare post-school outcomes for students with disabilities to non-disabled students.

5. Future Activities to Achieve Projected Targets/Results (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

To continue to support the Transition Services Liaison Project as a collaborative project with the Division of Vocational Rehabilitation. This project involves a contract with the Black Hills Special Services Cooperative

To continue to provide the summer institute program "Transition in Action" to address the needs of districts identified as having compliance problems through CIMP.

To develop a statewide survey to assess the outcomes for students with disabilities post-school. This survey will be a collaborative project, combining an existing consumer satisfaction survey conducted statewide by the Division of Vocational Rehabilitation and the Department of Education, Special Education Programs.

TABLE
Draft 12/17/03 Part B Annual Performance Report
Status of Program Performance

Note: Indicate with an asterisk () goals and indicators that are the same as the goals and indicators for students who are nondisabled.*

6. Projected Timelines and Resources (for NEXT reporting period July 1, 2003 through June 30, 2004 and on going):

The projected timeline for development of set of questions for a statewide survey is 2004-2005. It is expected the survey will be repeated on a cycle of years, to begin to establish data trends.

The 5 year tracking system of schools for schools out of compliance with transition issues will be available at the end of 2005-2006 school year.

Training for schools out on compliance on transition will be completed by June 30, 2004.

Resources:

-
-
-
-
-

Enter the percentage of the total performance goals established for students with disabilities that are consistent with those for nondisabled students. 17%

ATTACHMENT 1**Cluster Area I: General Supervision****Dispute Resolution – Complaints, Mediations, and Due Process Hearings Baseline/Trend Data**(Place explanations to Ia, Ib, and Ic on the Table, Cluster Area I, *General Supervision*, Cell I, *Baseline/Trend Data*)

Ia: Formal Complaints						
(1) July 1, 2000 - June 30, 2001 (or specify other reporting period: 09/01/2000 to 08/31/2001)	(2) Number of Complaints	(3) Number of Complaints with Findings	(4) Number of Complaints with No Findings	(5) Number of Complaints not Investigated – Withdrawn or No Jurisdiction	(6) Number of Complaints Completed/Addressed within Timelines	(7) Number of Complaints Pending as of: ____/____/____ (enter closing date for dispositions)
TOTALS	6	4	1	1	5	0
(2) July 1, 2001 - June 30, 2002 (or specify other reporting period: 09/01/2001 to 08/31/2002)	(2) Number of Complaints	(3) Number of Complaints with Findings	(4) Number of Complaints with No Findings	(5) Number of Complaints not Investigated – Withdrawn or No Jurisdiction	(6) Number of Complaints Completed/Addressed within Timelines	(7) Number of Complaints Pending as of: ____/____/____ (enter closing date for dispositions)
TOTALS	14	9	4	1	13	0
(3) July 1, 20002- June 30, 2003 (or specify other reporting period: 09/01/2002 to 08/31/2003)	(2) Number of Complaints	(3) Number of Complaints with Findings	(4) Number of Complaints with No Findings	(5) Number of Complaints not Investigated – Withdrawn or No Jurisdiction	(6) Number of Complaints Completed/Addressed within Timelines	(7) Number of Complaints Pending as of: ____/____/____ (enter closing date for dispositions)
TOTALS	8	5	1	2	6	0

Ib: Mediations					
(1) July 1, 1999 - June 30, 2000 (or specify other reporting period: 09/01/1999 to 08/31/2000)	Number of Mediations		Number of Mediation Agreements		(6) Number of Mediations Pending as of: ____/____/____ (enter closing date for dispositions)
	(2) Not Related to Hearing Requests	(3) Related to Hearing Requests	(4) Not Related to Hearing Requests	(5) Related to Hearing Requests	
TOTALS	Not collected	2	Not collected	1	0
(2) July 1, 2000 - June 30, 2001 (or specify other reporting period: 09/01/2000 to 08/31/2001)	Number of Mediations		Number of Mediation Agreements		(6) Number of Mediations Pending as of: ____/____/____ (enter closing date for dispositions)
	(2) Not Related to Hearing Requests	(3) Related to Hearing Requests	(4) Not Related to Hearing Requests	(5) Related to Hearing Requests	
TOTALS	Not collected	1	Not collected	1	0

ATTACHMENT 1**Cluster Area I: General Supervision****Dispute Resolution – Complaints, Mediations, and Due Process Hearings Baseline/Trend Data**(Place explanations to Ia, Ib, and Ic on the Table, Cluster Area I, *General Supervision*, Cell I, *Baseline/Trend Data*)

(3) July 1, 2001 - June 30, 2002 (or specify other reporting period: 09/01/2001 to 08/31/2002)	Number of Mediations		Number of Mediation Agreements		(6) Number of Mediations Pending as of: ____/____/____ (enter closing date for dispositions)
	(2) Not Related to Hearing Requests	(3) Related to Hearing Requests	(4) Not Related to Hearing Requests	(5) Related to Hearing Requests	
TOTALS	Not collected	1	Not collected	1	0
(4) July 1, 2002 - June 30, 2003 (or specify other reporting period: 09/01/2002 to 08/31/2003)	Number of Mediations		Number of Mediation Agreements		(6) Number of Mediations Pending as of: ____/____/____ (enter closing date for dispositions)
	(2) Not Related to Hearing Requests	(3) Related to Hearing Requests	(4) Not Related to Hearing Requests	(5) Related to Hearing Requests	
TOTALS	1	1	1	1	0

Ic: Due Process Hearings

(1) July 1, 1999 - June 30, 2000 (or specify other reporting period: 09/01/1999 to 08/31/2000)	(2) Number of Hearing Requests	(3) Number of Hearings Held (fully adjudicated)	(4) Number of Decisions Issued after Timelines and Extension Expired	(5) Number of Hearings Pending as of: ____/____/____ (enter closing date for dispositions)
TOTALS	8	1	0	0
(2) July 1, 2000 - June 30, 2001 (or specify other reporting period: 09/01/2000 to 08/31/2001)	(2) Number of Hearing Requests	(3) Number of Hearings Held (fully adjudicated)	(4) Number of Decisions Issued after Timelines and Extension Expired	(5) Number of Hearings Pending as of: ____/____/____ (enter closing date for dispositions)
TOTALS	4	2	0	0
(3) July 1, 2001 - June 30, 2002 (or specify other reporting period: 09/01/2001 to 08/31/2002)	(2) Number of Hearing Requests	(3) Number of Hearings Held (fully adjudicated)	(4) Number of Decisions Issued after Timelines and Extension Expired	(5) Number of Hearings Pending as of: ____/____/____ (enter closing date for dispositions)
TOTALS	4	1	0	0
(4) July 1, 2002 - June 30, 2003 (or specify other reporting period: 09/01/2002 to 08/31/2003)	(2) Number of Hearing Requests	(3) Number of Hearings Held (fully adjudicated)	(4) Number of Decisions Issued after Timelines and Extension Expired	(5) Number of Hearings Pending as of: ____/____/____ (enter closing date for dispositions)

ATTACHMENT 1
Cluster Area I: General Supervision
Dispute Resolution – Complaints, Mediations, and Due Process Hearings Baseline/Trend Data
(Place explanations to Ia, Ib, and Ic on the Table, Cluster Area I, *General Supervision*, Cell I, *Baseline/Trend Data*)

				<i>dispositions)</i>
TOTALS	4	1	0	0